

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRANSAMERICA LIFE INSURANCE COMPANY,)
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Plaintiff,)
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v.) Case No. 1:20-cv-03180
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STEPHEN TREMPER, SANDRA WOMACK, INDIVIDUALLY AND AS TRUSTEE OF THE KYLA L TREMPER TRUST DATED 02/26/18,) Judge Sharon Johnson Coleman
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) Magistrate Judge Jeffrey Cummings
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Defendants.)

**TRANSAMERICA LIFE INSURANCE COMPANY'S
MOTION FOR FINAL JUDGMENT ORDER IN INTERPLEADER**

Plaintiff Transamerica Life Insurance Company ("Transamerica"), by its attorneys, Julie F. Wall and Kaitlyn E. Luther of Chittenden, Murday & Novotny LLC, states as follows for its Motion for Final Judgment Order in Interpleader:

1. On May 29, 2020, Transamerica filed its Complaint for Interpleader under Fed. R. Civ. P. 22 to resolve competing claims to the proceeds of the Transamerica life insurance policy, designated Policy No. 014642991 (the "Universal Life Policy"), issued by Transamerica, to Kyla Tremper, on the life of Kyla Tremper, in the amount of \$350,000. (ECF Doc. No. 1).
2. On May 29, 2020, the Court granted Transamerica's motion to deposit its admitted liability under the Universal Life Policy with the Court. (ECF Doc. No. 8).
3. On June 25, 2020, Transamerica deposited its admitted liability under the Universal Life Policy in the amount of \$388,702.05, representing the death benefit under the Universal Life Policy plus accrued interest, into the Registry of this Court, subject to this Court's further order as

to whom among the Defendants is entitled to receive those proceeds. See Notice of Electronic Filing attached hereto and incorporated herein as Exhibit 1.

4. On June 21, 2020, counsel for Stephen Tremper filed the Waiver of the Service of Summons on Stephen Tremper's behalf. (ECF Doc. No. 10). On August 7, 2020, counsel for Stephen Tremper filed an appearance on behalf of Stephen Tremper. (ECF Doc. No. 15).

5. On July 21, 2020, Transamerica filed the Waivers of the Service of Summons for Sandra Womack, individually and as Trustee of the Kyla L Tremper Trust Dated 02/26/18. (ECF Doc. Nos. 13, 14). On September 17, 2020, counsel for Sandra Womack filed an appearance on behalf of Sandra Womack, individually and as Trustee of the Kyla L Tremper Trust Dated 02/26/18. (ECF Doc. No. 17).

6. Defendants Stephen Tremper, Sandra Womack, individually, and Sandra Womack, as Trustee of the Kyla L Tremper Trust Dated 02/26/18, are adverse claimants to the proceeds of the Universal Life Policy.

7. Transamerica and Defendants Stephen Tremper, Sandra Womack, individually, and Sandra Womack, as Trustee of the Kyla L Tremper Trust Dated 02/26/18 were involved in related litigation over two other policies issued to Kyla Tremper (the "Term Policies"). The payment of the proceeds of the Term Policies was the subject of *Life Capital Group II, LLC v. Transamerica Life Insurance Company, et al.*, in the United States District Court for the Northern District of Illinois, designated Case No. 1:19-cv-05340 (the "Term Policies litigation"), and that matter has been resolved. (Doc. No. 1, Compl., ¶ 6).

8. During the Term Policies litigation, Transamerica, Stephen Tremper, and Sandra Womack attempted to informally resolve the disposition of the Universal Life Policy. During this time, Stephen Tremper's counsel and Sandra Womack's counsel agreed Transamerica would

retain \$4,000.00 in attorneys' fees and costs from the Universal Life Policy's proceeds. (Doc. No. 1, Compl., ¶ 18).

9. Despite Transamerica's repeated attempts over multiple months to obtain the information it needed to resolve its role with respect to the Universal Life Policy's proceeds, Stephen Tremper's counsel and Sandra Womack's counsel did not provide said information. Transamerica thus incurred additional attorneys' fees and costs to bring the instant interpleader action.

10. During this litigation, Stephen Tremper's counsel agreed Transamerica would retain an additional \$5,500.00 in attorneys' fees and costs from the Universal Life Policy's proceeds.

11. Defendant Stephen Tremper has agreed that Transamerica should be awarded \$9,500.00, representing a portion of its actual court costs and attorneys' fees incurred in connection with prosecuting this Complaint for Interpleader, to be deducted from the amount deposited with the Court.

12. Transamerica's counsel has made repeated attempts to discuss the fee and cost issue with Sandra Womack's counsel, and Sandra Womack's counsel recently requested a fee itemization to support Transamerica's request for an additional \$5,500.00 in attorneys' fees and costs.

13. Thus, to date, Defendants Sandra Womack, individually, and Sandra Womack, as Trustee of the Kyla L Tremper Trust Dated 02/26/18, have agreed that Transamerica should be awarded \$4,000.00, representing a portion of its actual court costs and attorneys' fees incurred in connection with prosecuting this Complaint for Interpleader, to be deducted from the amount deposited with the Court.

14. Transamerica requests that it be awarded \$4,000.00, as agreed upon by all Defendants, representing a portion of its actual court costs and attorneys' fees incurred in connection with prosecuting this Complaint for Interpleader, to be deducted from the amount deposited with the Court.

15. After entry of the order requested below, Transamerica intends to continue to negotiate with Sandra Womack, individually, and Sandra Womack, as Trustee of the Kyla L Tremper Trust Dated 02/26/18, pursuant to L.R. 54.3, regarding the additional \$5,500.00 in attorneys' fees and costs.

16. The parties will follow the procedures outlined in L.R. 54.3 and will file any petitions, statements or motions that are required by the rule within the time limits provided by the rule.

17. This Court has jurisdiction over the subject matter of this cause and over the parties.

18. Transamerica has done all that is required by law to perfect its interpleader action.

19. Transamerica has properly served a copy of this Motion for Final Judgment Order in Interpleader on all appearing Defendants.

20. Transamerica submits its proposed Final Judgment Order in Interpleader to the Court pursuant to and in accordance with Judge Sharon Johnson Coleman's case management procedures and any applicable local rules.

WHEREFORE, Transamerica Life Insurance Company prays this Honorable Court enter an order or orders granting it the following relief:

A. Enjoining Stephen Tremper, Sandra Womack, individually and as Trustee of the Kyla L Tremper Trust Dated 02/26/18, and the Kyla L Tremper Trust Dated 02/26/18, during the pendency of this case and thereafter permanently and perpetually, from

commencing or prosecuting any proceeding or claim against Transamerica Life Insurance Company in any state or federal court or other forum arising out of or related to Policy No. 014642991, and on account of the death of Kyla Tremper, the insured, and that said injunction issue without bond or surety;

B. Granting judgment to Transamerica Life Insurance Company with the finding that it has no further liability to Stephen Tremper, Sandra Womack individually or as Trustee of the Kyla L Tremper Trust Dated 02/26/18, or the Kyla L Tremper Trust Dated 02/26/18 or to any person or entity claiming through them, related to Policy No. 014642991 or the death benefit under Policy No. 014642991, or on account of the death of Kyla Tremper;

C. Finding that Transamerica Life Insurance Company has acted in good faith by interpleading the proceeds of Policy No. 014642991 and depositing its admitted liability with the Clerk of the Court;

D. Entering judgment in favor of Transamerica Life Insurance Company, and against Stephen Tremper, Sandra Womack, individually and as Trustee of the Kyla L Tremper Trust Dated 02/26/18, and the Kyla L Tremper Trust Dated 02/26/18 on its Complaint for Interpleader with an express finding of finality pursuant to Fed. R. Civ. P. 54(b);

E. Excusing and dismissing Transamerica Life Insurance Company from further attendance on this cause with prejudice and ordering the adverse and potentially adverse claimants Stephen Tremper, Sandra Womack, individually, and Sandra Womack, as Trustee of the Kyla L Tremper Trust Dated 02/26/18, to litigate their claims and contentions to the proceeds of Policy No. 014642991 without further involving Transamerica Life Insurance Company;

F. As agreed by all parties and as an initial fee distribution to Transamerica Life Insurance Company pending a further petition for fees as described above, ordering the Clerk to disburse \$4,000.00 in a check made payable to Transamerica Life Insurance Company, which shall be mailed to Julie F. Wall, Chittenden, Murday, & Novotny LLC, 303 W. Madison, Suite 1400, Chicago, Illinois 60606; and

G. Transamerica Life Insurance Company such further and other relief as this Court deems just and appropriate.

Dated: **September 28, 2020.**

Respectfully submitted,

CHITTENDEN, MURDAY & NOVOTNY, LLC.

By: /s/ Julie F. Wall

One of the Attorneys for Plaintiff
Transamerica Life Insurance Company

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CERTIFICATE OF SERVICE

I hereby certify that on **September 28, 2020**, I electronically filed the foregoing Transamerica Life Insurance Company's **Motion for Final Judgment Order in Interpleader**, and documents described therein, with the Clerk of the United States District Court, Northern District of Illinois, Eastern Division, using the CM/ECF system which sent notification of such filing to the following registered CM/ECF participants:

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*Attorneys for Defendant Sandra Womack,
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/s/ Julie F. Wall
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